

Please type a plus sign (+) inside this box → ☐

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

PT-1858001

First Inventor

Bernard Charles Sherman

Title Emulsion Preconcentrate Comprising
A Cyclosporin and Acetylated

Monoglyceride

Express Mail Label No.

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 16]
(preferred arrangement set forth below)
- Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets]
5. Oath or Declaration [Total Pages 1]
- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☒ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35
or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)of prior application No.: 09,403,660

Prior application information:

Examiner Vickie KimGroup Art Unit. 1615

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS☒ Customer Number or Bar Code Label23607

(Insert Customer No. or Attach bar code label here)

or ☒

Correspondence address below

Name

Ivor M. Hughes, Barrister & Solicitor, Patent & Trademark

Agents

Address

175 Commerce Valley Drive West

Suite 200

City

Thornhill

State

Ontario

Zip Code

L3T 7P6

Country

Canada

Telephone

(905) 771-6414

Fax

771-6420

Name (Print/Type)

Neil H. Hughes, P.Eng.

Registration No. (Attorney/Agent)

33,636

Signature

Date

Feb. 15/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 980.00

Complete if Known

Application Number	
Filing Date	
First Named Inventor	Bernard Charles Sherman
Examiner Name	Vickie Kim
Group Art Unit	1615
Attorney Docket No.	PT-1858001

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 08-3255
Deposit Account Name Ivor M. Hughes

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	\$710-
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$) 710.00

2. EXTRA CLAIM FEES

Total Claims 12 -20** = 0 x \$18- = 0
Independent Claims 2 -3** = 0 x \$80- = 0
Multiple Dependent 0 \$270- = \$270-

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	209 40	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 270.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Name (Print/Type)	Neil H. Hughes, P.Eng.	Registration No. (Attorney/Agent)	33,636	Telephone	(905) 771-6414
Signature				Date	Feb. 15, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



Ivor M. Hughes

Barrister & Solicitor

Patent & Trade Mark Agents
Canada, United States

Barrister & Solicitor
Ivor M. Hughes

Patent Agents
Neil H. Hughes, P.Eng.
Marcelo K. Sarkis, P.Eng.

Counsel
Alfred Schorr

Our Ref.: PT-1858001

February 15, 2001

Via Courier

The Commissioner of Patents
UNITED STATES PATENT OFFICE
2011 South Clark Place
Crystal Plaza 2, Room 1B02
Arlington, Virginia, U.S.A. 22202

Dear Sir:

Re: Continuation Application Of Parent
Application Serial No. 09/403,660
of Bernard Charles Sherman
for EMULSION PRECONCENTRATE COMPRISING A CYCLOSPORIN
AND ACETYLATED MONOGLYCERIDE
CUSTOMER NO. 23607

Please find enclosed herewith the following documentation for filing a continuation application under 37 CFR 1.53(d), claiming priority from co-pending parent Application Serial No. 09/403,660 with the Commissioner:

- (a) Utility Patent Application Transmittal;
- (b) Fee Transmittal for FY 2001;
- (c) Request for Filing a Continuation Application under 37 CFR 1.53(b);
- (d) Copy of Disclosure of United States Patent Application Serial No. 09/403,660 as originally filed;
- (e) Copy of Claims 1-14 of United States Patent Application Serial No. 09/403,660 as originally filed;
- (f) Copy of Declaration, Power of Attorney and Petition;
- (g) Copy of Power of Attorney;
- (h) Preliminary amendment, including new Claims 15-21.

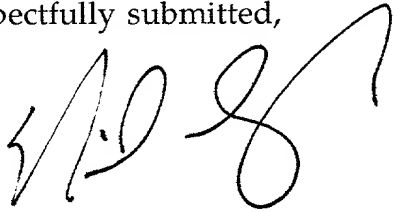
Enclosed along with this material please find a cheque in the amount of **\$980.00 U.S. dollars** which includes \$710.00 for the base filing fee of a large entity and \$270.00 for multiple dependent claims. If there is any deficiency or surplusage of the fees enclosed for filing this Application, please obtain any such deficiency or credit the surplusage to Deposit Account 08-3255 and advise Applicants' Agent.



Also enclosed herewith is a stamped, self-addressed acknowledgment of receipt card which we request that you kindly acknowledge and return to this office at the earliest opportunity.

We thank the Commissioner for his cooperation in this regard and look forward to receiving filing data in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'N.H. Hughes', with a large, stylized flourish at the end.

Neil H. Hughes, P.Eng.
Registration No. 33,636
Agent for Applicant

NHH:mse
Enclosures

REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)

ATTORNEY'S DOCKET NUMBER PT-1858001	ANTICIPATED CLASSIFICATION OF THE APPLICATION:		PRIOR APPLICATION 09/403,660	
CUSTOMER NO. 23607	CLASS	SUBCLASS	EXAMINER Vickie Kim	ART UNIT 1615

10996 U.S. PRO
09/783969
02/16/01

Address to:

Commissioner of Patents and Trademarks:
Washington, D.C. 20231

This is a Request for filing:

☒ **A Continuation**
☐ **A Divisional**

application under 37 CFR 1.53(b) of pending prior application Number **09/403,660** filed on **October 27, 1999** entitled **EMULSION PRECONCENTRATE COMPRISING A CYCLOSPORIN AND ACETYLATED MONOGLYCERIDE**

1. Enclosed is a copy of the latest inventor signed prior application, including the oath or declaration showing the original signature or an indication it was signed. I hereby verify that the attached papers are a true copy of the latest inventor signed prior application number **09/403,660**, and that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein, and further that all statements made herein of my own knowledge are true; and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are made punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The filing fee has been calculated as shown below:

	(Col. 1)	(Col. 2)					
FOR:	No. filed	No. extra	Fee for small entity Rate	Fee	OR	Fee for other than small entity Rate	Fee
Basic fee				\$355	OR		\$710.00
Total claims	8-20=	(0)	x9=	\$	OR	0-x 18=	\$ 0
Independent claims	2-3=	(0)	X40=	\$	OR	0-X 80=	\$ 0
[] Multiple Dependent Claim Presented			+135 =	\$	OR	+270=	\$270.00
Total				\$	OR	Total	\$980.00


*If the difference in Column 1 is less than zero, enter "0" in Column 2.

2. ☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27.
- ☐ is enclosed.
- ☐ was filed in prior application number _____ and such status is still proper and desired (37 CFR 1.28(a)).
3. ☒ The Commissioner is hereby authorized to charge any fees which may be required under 37 CFR 1.16 and 1.17, or credit any overpayment to **Deposit Account No. 08-3255**. A duplicate copy of this sheet is enclosed.
4. ☒ A cheque in the amount of **\$980.00** is enclosed.
5. ☒ Cancel in this application original **claims 2 to 14** of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
6. ☒ The inventor(s) of the invention being claimed in this application is **BERNARD CHARLES SHERMAN**.
7. ☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 CFR 1.53(b), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventor(s) of the invention being claimed in this application _____.
8. ☐ Amend the specification by inserting before the first line the sentence:
- "This application is a ☒ **continuation**
☐ **divisional**
of application Number **09/403,660** filed **October 27, 1999** (status: **Pending**)."
9. ☐ New formal drawings are enclosed.
10. ☐ Priority of application number _____, filed on _____ in _____ is claimed under 35 U.S.C. 119.
- ☐ The certified copy has been filed in prior application number _____, filed _____.
11. ☒ A preliminary amendment is enclosed.
12. ☐ The prior application is assigned of record to _____.
13. ☐ Also enclosed _____.
14. The power of attorney in the prior application is to: **Ivor M. Hughes, Reg. No. 27,759, Neil H. Hughes, Reg. No. 33,636 and Marcelo K. Sarkis, Reg. No. 37,015 of IVOR M. HUGHES.**

- a. ☐ The power of attorney appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☒ Address all future correspondence to:
Ivor M. Hughes
Barrister & Solicitor
Patent & Trade Mark Agents
175 Commerce Valley,
Drive West, Suite 200
Thornhill, Ontario
Canada
L3T 7P6

Telephone No. (905) 771-6414
Facsimile No. (905) 771-6420

February 15, 2001
(date)


(Signature)

Neil H. Hughes
(Typed or printed name)

33,636
(Registration Number)

- ☒ attorney or agent of record
☐ Filed under 37 CFR 1.34(a)